

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE NEW YORK DISTRICT COUNCIL OF  
CARPENTERS PENSION FUND, NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS WELFARE  
FUND, NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS VACATION FUND, NEW YORK  
CITY DISTRICT COUNCIL OF CARPENTERS  
ANNUITY FUND, NEW YORK CITY DISTRICT  
COUNCIL OF CARPENTERS APPRENTICESHIP,  
JOURNEYMAN RETRAINING, EDUCATIONAL  
AND INDUSTRY FUND, NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS CHARITY 07-CV-08008 (RJS)  
FUND, by their Trustees Michael J. Forde and Paul  
O'Brien, and NEW YORK CITY AND VICINITY  
CARPENTERS LABOR-MANAGEMENT  
CORPORATION,

Plaintiffs,

-against-

KW CONSTRUCTION INC., as Successor to K W  
GENERAL CONTRACTOR, INC. and JOHN WHYTE  
d/b/a KW CONSTRUCTION, INC., and JOHN  
WHYTE, individually,

Defendants.  
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DANIEL B. RYAN, declares as follows under penalty of perjury pursuant to 28  
U.S.C. 1746:

1. I am employed by the New York City District Council of Carpenters  
Benefit Funds as Executive Assistant to the Director of the Benefit Funds.

2. Annexed hereto as plaintiffs Exhibit 19 is true and correct copies an Employer Contribution Inquiry which show contributions to the District Council Pension Fund by KW Construction Inc. for work done by carpenters in each of the years from 2000 to 2005, inclusive. These documents are generated by the database program used by the Benefit Funds to keep track of employer contributions.

3. Annexed hereto as plaintiffs Exhibit 20 is true and correct copies of spreadsheet generated in the ordinary course of business by the Benefit Funds which show the hours of covered work reported by KW Construction Inc. broken down by carpenter and week.

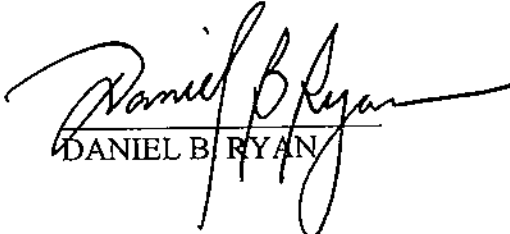
3. The annexed documents show that KW reported that it employed carpenters in each of the years from 2000 to 2005, and that it remitted the proper pension fund contributions on their behalf of these carpenters for the hours that were reported.

4. Between 2001 and 2006, the pension fund contribution rate increased five times pursuant to the terms the collective bargaining agreements between the union and various signatory contractors. The annexed documents show that KW remitted the proper rate after each increase for the hours that it reported.

5. Only contractors that are parties to collective bargaining agreements with the District Council or those working in the geographical jurisdiction of the District Council under an International Agreement make payments for benefit fund contributions to the Benefit Funds.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
March 28, 2008



DANIEL B. RYAN